



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,323	03/16/2004	Athanassios Diacakis	42365-01015	3738

46670 7590 07/28/2006

TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

D'AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/802,323		DIACAKIS ET AL.	
	Examiner		Art Unit	
	Stephen M. D'Agosta		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

- The rejection below is in response to the RCE received 7-17-2006.
- Upon further consideration, the examiner notes that a more favorable outcome may occur if the applicant were to amend as follows:
 - Claim 1 + (claim 2 or 3 or 9) + (claims 4 thru 7) {eg. 6 claims total}
 - It is the examiner's opinion that this recommendation holds true for the other independent claims as well.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 11-18 and 20-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. US 6,104,931 and further in view of Melton et al. US 5,255,306 and Wortham US 5,884,221.

As per **claims 1, 15 and 22**, Havinis teaches a method for monitoring location of a wireless unit of interest (title and abstract), comprising the steps of:

providing a system operative to procure location information for a wireless unit of interest from any of multiple location information sources associated with any of the multiple wireless networks (C2, L35-40 teaches BTS "triangulation");

establishing an interface for communications between said system and an entity requesting location information for said wireless unit of interest, wherein said interface defines a standardized format for requesting and providing said location information (C3, L33-36 teaches a generic format);

verifying authorization for said entity to obtain location information for said wireless unit of interest independent of location finding preferences of said wireless unit of interest (C3, L19-21 teaches “authorization of the LA” and L23 teaches “authorization codes” while C3, L46-51 teaches the LA registering with the GMSC. Havinis also describes the mobile user having privacy as well as override of the privacy, C3, L9-32);

obtaining, from said system, location information for said wireless unit of interest when said wireless unit of interest is within any of multiple location zones covered by at least one of the multiple wireless networks (C2, L35-62); and

providing said location information to a recipient associated with said request (Havinis teaches the request coming from various individuals such as Fleet Management, C5, L17-35 and Taxi companies, C5, L36-60, law enforcement and emergency centers, C4, L45-50).

But is silent on analyzing the location information to monitor a location of the wireless unit over time AND across multiple wireless networks

Melton teaches a wireless positioning/monitoring system that monitors a parolee over time to ensure that they are located within a certain location (Abstract).

Wortham teaches locating a user/vehicle as they roam across a very large regions (eg. the United States) which comprises multiple wireless networks (see figure 1 and C1, L49 to C2, L24 which teaches using GPS/LORAN as well as cellular communications as a long-haul trucker roams across multiple wireless networks). The examiner notes that “roaming” is a well known procedure whereby a user traverses multiple wireless network service providers but their service is supported and their location known).

With further regard to claim 15, Havinis teaches a system in communication with a first wireless carrier network having a first subscriber set and a second carrier network having a second subscriber set, wherein said system is operative to provide location information for subscribers of each of said carrier networks AND receiving a location information inquiry for a wireless unit of interest, wherein said inquiry requests said location information be provided independent of any location-finding preferences of said wireless unit of interest (C3, L9-36 teaches positioning determination within any

Art Unit: 2617

wireless network, which inherently implies more than one network and that location services can be utilized by any positioning system, which inherently implies independence of location finding preferences, see L33-36) AND obtaining said location information from said system independent of said location-finding preferences AND providing said location information to a location associated with said request (C3, L9-36).

With further regard to claim 22, Havinis teaches defining at least one trigger event the occurrence of which will result in the provisioning of location information for said wireless unit of interest, wherein said location information is provided independent of any location-finding preferences of said wireless unit of interest (C6, L61 to C7, L10).

It would have been obvious to one skilled in the art at the time of the invention to modify Havinis, such that it can analyze the location information to monitor a location of the wireless unit over time, to provide means for keeping a constant watch of the user by determining their position from time-to-time.

As per **claims 2, 16 and 23**, Havinis teaches claim 1/15/22, wherein said obtaining step further comprises: overriding a privacy setting associated with said wireless unit of interest (C4, L46-49).

As per **claims 3, 17 and 24**, Havinis teaches claim 1/15/22, wherein obtaining is performed free of said wireless unit of interest being notified of said location information being procured (C8, L17-26 teaches determining position without being noticed by the mobile).

As per **claim 4**, Havinis teaches claim 1, wherein said establishing step allows a requesting entity to define at least one trigger event for triggering monitoring of the location of the wireless unit of interest (C6, L61 to C7, L10 reads on obtaining location and/or monitoring location of the unit).

Art Unit: 2617

As per **claims 5 and 25**, Havinis teaches claim 4/22, wherein said trigger event comprises at least one: a schedule; said wireless unit one of sending and receiving wireless communications; said wireless unit being identified relative to an area of interest (C7, L10-15 teaches triggering events being location and/or the wireless unit being connected in a call, eg. sending/receiving communications).

As per **claims 6 and 26**, Havinis teaches claim 5/25, wherein said establishing step allows a requesting entity to define at least one said area of interest (C6, L1-7).

As per **claims 7 and 27**, Havinis teaches claim 6/26, wherein said area of interest comprises at least one of: an address; a point and radius; another wireless unit; and a geographic boundary (C6, L1-7 teaches areas of interest including a particular USA State, country or location area, which reads on the claim).

As per **claims 8, 18 and 28**, Havinis teaches claim 1/15/22, wherein said identifying step further comprises:

Said step of providing a system operative to procure location information for a said wireless unit of interest further comprises procuring location information from at least first and second location (eg. multiple wireless networks) information sources, wherein said first and second location information sources employ first and second different location finding technologies (C8, L61-67 and C2, L35-60 teach using well known cellular system positioning methods while C2, L63-67 teaches using GPS).

As per **claim 11**, Havinis teaches claim 1, wherein said step of providing said location said monitored information to a recipient at a location other than that associated with said requesting entity (C5, L61-67).

As per **claim 20**, Havinis teaches claim 15, further comprising: verifying authorization associated with said inquiry for said entity to obtain said location information for said wireless unit of interest free of any location-finding preferences of said wireless unit of interest (C3, L19-21 teaches “authorization of the LA” and L23 teaches “authorization codes” while C3, L46-51 teaches the LA registering with the GMSC. Havinis also describes the mobile user having privacy as well as override of the privacy, C3, L9-32);

As per **claim 21**, Havinis teaches claim 15, further comprising: establishing an interface for communications between said system and an entity requesting location information for said wireless unit of interest, wherein said interface defines a standardized format for requesting and providing said location information (C3, L33-36 teaches a generic format).

As per **claims 12-14 and 29-30**, Havinis teaches claim 1/22 **but is silent on** further comprising: comparing said location information to at least one location of interest to monitor the movement of said wireless unit relative to said point of interest AND uncertainty associated with location information overlapping said at least one location of interest, notifying a third party that said wireless unit is proximate to said at least one location of interest AND wherein said third party is a law enforcement agency.

Melton teaches a location monitoring device that tracks a person's location within a certain range of a point of interest (eg. their house) during house arrest (abstract, figure 1 and C1, L20-42). Melton also teaches providing data to an agency (eg. police) who track the individual (C1, L43-58)

It would have been obvious to one skilled in the art at the time of the invention to modify Havinis, such that comparing said location information to at least one location of interest to monitor the movement of said wireless unit relative to said point of interest AND uncertainty associated with location information overlapping said at least one location of interest, notifying a third party that said wireless unit is proximate to said at least one location of interest AND wherein said third party is a law enforcement agency, to provide means for determining if the user is within a zone of interest and/or may have moved from said zone and to then notify law enforcement.

Claims 9 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis/Melton/Wortham and further in view of Bar et al. US 6,456,852.

As per **claims 9 and 19**, Havinis teaches claim 8/18 **but is silent on** wherein said system is operative to aggregate information from said at least first and second different location finding technologies to enhance the accuracy of said location information.

Bar teaches using and combining several different location determining methods to define the location of a user:

FIG. 2 shows a subsystem of the system shown in FIG. 1. A cellular phone 26 transmits signals 28 which are received by one or more location finding base stations 12. Base stations 12 may determine the location of phone 26 by one of, or a combination of, several location finding techniques. In the case where there is not severe multipath, or where accurate location information is not required, any of the conventional methods of location finding may be used. These conventional methods are based on techniques such as direction finding (DF), time of arrival (TOA), and time difference of arrival (TDOA). (C3, L47-50)

It would have been obvious to one skilled in the art at the time of the invention to modify Havinis, such that said system is operative to aggregate information from said at least first and second different location finding technologies to enhance the accuracy of said location information, to provide means for using several positioning systems together to get a more accurate location/position.

Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis and further in view of Havinis/Melton/Wortham et al. US 6,360,102 (hereafter Havinis #2)

As per **claim 10**, Havinis teaches claim 1, **but is silent on** wherein said verifying authorization step comprises verifying court ordered authorization.

Havinis #2 teaches requiring a court order to allow a law enforcement agent to determine the position of a person:

It should be noted that when the subscriber is roaming, law enforcement LA's 280 will need, in addition to the POK with the value "allowed to override subscriber's privacy settings," a court order in order to be able to override the MS 200 privacy settings. (C8, L64 to C9, L5)

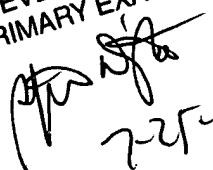
It would have been obvious to one skilled in the art at the time of the invention to modify Havinis, such that said verifying authorization step comprises verifying court ordered authorization, to provide means for ensuring a court has approved the positioning.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA
PRIMARY EXAMINER

7-25-00